

### REMARKS

Applicants have thoroughly considered the final Office action mailed on May 30, 2008. Applicants have amended claim 10 and 24 in accordance with the Examiner's 35 U.S.C. § 112 rejection with respect to antecedent basis and do not alter the substantive scope of the subject matter. No other amendments have been made so that no new issues are raised. Applicants request the Examiner enter the Amendments as they place the application in better form for allowance and/or appeal. Thus, claims 10-16, 18 and 24-35 are presented in the application for further examination. Reconsideration of the application claims as amended and in view of the following remarks is respectfully requested.

#### **Claim Rejections under 35 U.S.C. § 112**

Claims 10-16, 18, and 24-35 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. And, claim 10 has been amended to recite "wherein the participant selection control parameter affects an outcome of a weight computation" and "updating the activity state variable stored in the memory for each participant in the participant state table according to changes in a data information and a control information of the participant's video signal and audio signal."

And, claim 24 has been amended to recite "when the multimedia conference is being set up, receiving a participant selection control parameter for the multimedia conference" and "receiving simultaneously a multimedia conferencing data from the multiple participants" and "said participant events being generated in response to changes in a data information and a control information of the multimedia conferencing data received from the multiple participants."

In light of the foregoing, Applicants submit claims 10 and 24, as amended, comply with 35 USC § 112.

#### **Claim Rejections under 35 U.S.C. § 103**

Claims 10-16, 18, and 24-35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sandvoss et al U.S. Pat. No. 5,745,380 (Sandvoss) in view of Okamura et al. U.S. Pat. No. 6,178,424 (Okamura).

Sandvoss discloses teleconferencing where the multimedia streams with the highest priority level streams are actively transmitted. In particular, Sandvoss et al. teaches that the weight used to determine priority is calculated from substream signals that are input to a process. (Column 3, lines 53-58).

Okamura teaches distributing information retrieved from a database. (Column 1, lines 9-10; column 5, lines 38-56). Okamura teaches **"an activity state registering unit for registering, when notified, from the users to whom the information is distributed, of an effect that the information is useful, these users in an item of user of the distributed information in the information activity management unit."** (Column 2, lines 37-41). Okamura teaches the "activity state given from the user is **analyzed by the activity state registering unit** in the information distributing system, and **registration is implemented corresponding to the activity state.**" (Column 10, lines 31-47; FIG. 5, S11). Okamura further explains that **when a user notifies the system that the information could be effectively utilized, the activity state registering unit registers a name of the user in the item of "user" within the information activity management unit specified by the notified information ID.** (Column 10, lines 31-47). On the other hand, when the user notifies the system that the information is not required, the **activity state registering unit registers the distribution unnecessary condition storage unit with the distribution unnecessary condition** based on the distribution reason. (Column 10, lines 31-47).

In other words, **the activity state taught and defined by Okamura relates to the feedback received from the user regarding the information the user received from the distribution system and is used to update the distribution unnecessary condition storage unit or the distribution necessary condition storage unit with a condition.** (Column 6, lines 11-25; FIG. 1; Column 7, lines 5-10). And in response to this feedback, the system determines whether or not to send the user similar information items. (Column 12, lines 22-43).

In this regard, Applicants note that **the Examiner has failed to indicate how Sandvoss and Okamura can be combined.** Furthermore, Applicants submit that Sandvoss and Okamura **cannot be combined** to produce the claimed invention. As explained above, Sandvoss discloses teleconferencing where the multimedia streams with the highest priority level streams are actively transmitted and the weight used to determine priority is calculated from substream signals that are input to a process. And, Okamura teaches that information received from the system **as to the usefulness of the information previously received is used to determined if**

**the user will receive similar information in the future.** The Examiner argues that it would be obvious to combine these references "to make the system better organized." However, the **condition that Okamura would add to the system of Sandvoss is based on the user feedback which indicates that the user finds the information useful and would like to receive similar information** (or that the user does not find the information useful and would not like to receive similar information). Thus, Okamura fails to teach or suggest **a static display constraint on a selection of a video signal.** There is **no logical way** to combine the weight of Sandvoss with the activity state of Okamura, to set up a static parameter of selecting a video signal and a weighted assignment relating thereto as recited in claim 10. In other words, Okamura does not solve the deficiencies of Sandvoss which the Examiner readily admits in that "Sandvoss does not explicitly indicate providing a participant state table indicating an activity state variable for each participant and assigning a predetermined weight to at least a participant for a duration previously set." Neither does Okamura.

In contrast to Sandvoss and Okamura, claim 10 recites:

a participant selection control parameter stored in a memory for tuning a video switching stream behavior, wherein the participant selection control parameter affects the outcome of a weight computation, **said participant selection control parameter being received when the multimedia conference is being set up, said participant control selection parameter having a static display constraint on a selection of a video signal;**

a participant state table stored in a memory and **indicating an activity state variable for each participant, said activity state variable including values and statistics associated with the participant's video signal and audio signal;** and

a bridge server connected to the participants through a network and having a point-to-point connection with the client, **the bridge server assigning a predetermined weight to at least one of the plurality of participants for a duration specified by the static display constraint,** receiving simultaneously the multimedia conferencing data including the video signal from each of the participants, updating the activity state variable stored in the memory for each participant in the participant state table according to changes in a data information and a control information of the participant's video signal and audio signal, **periodically computing a weight of said each participant based on the activity state variable of said each participant and the participant selection control parameter,** identifying a participant having a highest weight among the participants, and selecting from the received multimedia conferencing data the video signal corresponding to the identified participant having the highest weight for transmission to the client for viewing.

As recited in claim 10, the participant selection control parameter is specified at set up of the multimedia conference and indicates a static display constraint on a selection of a video signal. Further, the bridge server assigns a predetermined weight to an active participant for a duration specified by the static display constraint. Specifically, the participant selection control parameter is specified at set up and remains at the fixed value unless changed by the user. (See Table 1, pages 18-19 of the specification, noted in the previous amendment remarks). The participant selection control variables indicate static values, as opposed to dynamic values, and thus do not change unless specifically changed by a user. They are not dynamic values, as shown in Sandvoss, which change over the time of the teleconference; but rather they are fixed unless changed.

Okamura, directed to information distribution, does not cure the defects of Sandvoss. The activity state taught by Okamura is not the activity state of claim 10. Specifically, the activity state of Okamura adds a condition to the system based on the user feedback (activity state) indicates that the user finds the information useful and would like to receive similar information or that the user does not find the information useful and would not like to receive similar information. Furthermore, the activity state of Okamura fails **to include a static display constraint on a selection of a video signal** as recited in the claim.

Writing for the Supreme Court, Justice Anthony Kennedy observed that a patent claim is invalid for obviousness when the invention combines familiar elements according to known methods to produce no more than predictable results. (*KSR International Co. v. Teleflex, Inc.*, 550 USPQ2d 1385 (2007)). However, in this rejection, neither the **element of a participant selection control parameter having a static display constraint on a selection of a video signal** nor the **result of the bridge server assigning a predetermined weight to at least one of the plurality of participants for a duration specified by the static display constraint** is found in the combined art. In light of the foregoing, Applicants submit claim 10, as amended, is allowable over the cited art. Furthermore, claims 11-12, 18, 34, 35 depend from claim 10 and are allowable for at least the same reasons as claim 10.

Additionally, claim 24 recites subject matter which is allowable because the prior art is deficient for at least the reasons noted above. As noted above, amended claim 24 recites, among other things:

A method for selecting one video signal from a plurality of video signals for forwarding to a client, each video signal corresponding to a participant of multiple participants of a multimedia conference, said method comprising:

**when the multimedia conference is being set up, receiving a participant selection control parameter for the multimedia conference, said participant selection control parameter having a static display constraint of selecting the one video signal;**

**assigning a predetermined weight to at least one of the multiple participants for a duration specified by the static display constraint;**

receiving simultaneously multimedia conferencing data from the multiple participants, the multimedia conference data including the plurality of video signals from the participants;

For example, claim 24 recites specifying a participant selection control parameter for the multimedia conference when the conference is being set up wherein the participant selection control parameter indicates a static display constraint of selecting the video signal. In addition, a predetermined weight is assigned to an active participant for a duration specified by the static display constraint. As noted above, Sandvoss and Okamura, either separately or in combination, do not set up such a static parameter of selecting a video signal and a weighted assignment relating thereto. Applicants request that the Examiner allow claim 24 or specifically point to the elements and teachings of Sandvoss and Okamura which make claim 24 obvious. Furthermore, claims 25-33 depend from claim 24 and are allowable for at least the same reasons as claim 24.

In view of the foregoing, Applicants submit that independent claims 10 and 24 are allowable over the cited art. The claims depending from these claims are believed to be allowable for at least the same reasons as the independent claims from which they depend.

It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited invention. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

Filed simultaneously herewith is a request for an interview. Applicants request that the Examiner conduct an interview before issuing any further Office actions.

**Applicants wish to expedite prosecution of this application. If the Examiner deems the application to not be in condition for allowance, the Examiner is invited and**

**encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the application in condition for allowance.**

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

/Frank R. Agovino/

Frank R. Agovino, Reg. No. 27,416  
SENNIGER POWERS  
One Metropolitan Square, 16th floor  
St. Louis, Missouri 63102  
(314) 231-5400

FRA/BAW/cjl